

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alfredo Gonzalez	Team: Squad #7	CCRB Case #: 201505686	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 06/27/2015 9:35 PM	Location of Incident: § 87(2)(b) § 87(2)(b)		Precinct: 47	18 Mo. SOL 12/27/2016	EO SOL 12/27/2016
Date/Time CV Reported Fri, 07/10/2015 4:46 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 07/10/2015 4:46 PM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)			
<b>Witness(es)</b>	<b>Home Address</b>				
§ 87(2)(b)	§ 87(2)(b)				
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. POM Mark Fleming	24493	941763	047 PCT		
<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>		
1. POF Eleanor Walsh	24470	946384	047 PCT		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.POM Mark Fleming	Force: PO Mark Fleming used physical force against § 87(2)(b)			§ 87(2)(b)	

### Case Summary

On June 27, 2015, at approximately 9:35 p.m., § 87(2)(b) exited her friend's vehicle after an argument. She exited in a residential area of the Bronx with which she was unfamiliar (which was later revealed to be § 87(2)(b) in the Bronx). § 87(2)(b) stated that she was smoking a cigarette on someone's property, which prompted the property owners to call 911. PO Mark Fleming and PO Eleanor Walsh responded and, for reasons unknown to § 87(2)(b), she was placed in handcuffs, put into an ambulance, and transported to § 87(2)(b). While waiting at the hospital, § 87(2)(b) stood up to see PO Fleming's nametag. Immediately after, PO Fleming allegedly grabbed § 87(2)(b)'s shoulders and pushed her down onto the chair, thereby causing her left elbow to make contact with the chair (**Allegation A**). § 87(2)(b) sustained a laceration on her left elbow, allegedly due to PO Fleming's action. § 87(2)(b)'s medical records indicated that she had a laceration on her left elbow while at the hospital. There was no summons issued or arrest made as a result of this incident.

### Mediation, Civil, and Criminal Histories

This case was unsuitable for mediation because § 87(2)(b) stated she planned on filing a lawsuit. A notice of claim inquiry was submitted on August 25, 2015, and will be added to the case file upon its receipt. § 87(2)(b)'s criminal history could not be verified because her NYSID could not be recovered from the NYPD's Booking and Arraignment Disposition System database.

### Civilian and Officer CCRB History

- § 87(2)(b)
- PO Fleming has been a member of the NYPD for nine years. PO Fleming has been the subject of five allegations stemming from two cases. None of the allegations were substantiated.
- § 87(2)(g)

### Potential Issues

- An Aided Report was not created for this incident, despite PO Fleming and PO Walsh removing § 87(2)(b) to the hospital.

### Findings and Recommendations

#### Allegation A – Force: PO Mark Fleming used physical force against § 87(2)(b)

It is undisputed that PO Fleming used physical force against § 87(2)(b) when placing her on the chair; § 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated she was lost in the Bronx, when officers appeared at § 87(2)(b) in the Bronx. § 87(2)(b) acknowledged having “one cup” of wine that night, but denied that she resisted or behaved belligerently towards the officers. § 87(2)(b) alleged that while inside § 87(2)(b) she rose from the chair to see PO Fleming's nametag. Immediately after, and without warning, PO Fleming pushed her down onto a chair a single time, which caused her to strike her left elbow against the chair. § 87(2)(b) alleged that she sustained a “gash” on her left elbow because of PO Fleming's action, for which she provided photographic evidence. § 87(2)(b)



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Squad: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Attorney: \_\_\_\_\_  
Title/Signature Print Date